

**MUNICIPAL CLERK
CITY OF ATLANTA**

AN ORDINANCE

BY CITY UTILITIES COMMITTEE

01-0-0423

AN ORDINANCE TO ABANDON A PORTION OF THE RIGHT-OF-WAY OF SQUIRE PLACE. A 40 FOOT WIDE RIGHT-OF-WAY RUNNING APPROXIMATELY 500 FEET IN LENGTH BETWEEN PIEDMONT ROAD AND THE EXIT RAMP FROM INTERSTATE 85, BEING 18,315 SQUARE FEET IN AREA, LYING IN LAND LOT 49 OF THE 17TH DISTRICT OF FULTON COUNTY AND FOR OTHER PURPOSES.

WHEREAS the City of Atlanta has received a petition to abandon a portion of the right-of-way of Squire Place, a 40 foot wide right of way running approximately 500 feet in length between Piedmont Road and the exit ramp from Interstate 85, being 18,315 square feet in area, lying in Land Lot 49 of the 17th District of Fulton County

WHEREAS the Commissioner of the Department of Public Works has determined that said petition is complete and that the required application fee of \$2,500.00 has been paid to the City of Atlanta; and

WHEREAS public utility owners have been notified of the petition for abandonment and responses have been received, and

WHEREAS the petitioners are the sole property owners of the land abutting the street right-of-way proposed to be abandoned and petitioners will utilize the abandoned portion of said street right-of-way for commercial purposes; and

WHEREAS the abandoned street right-of-way shall become a part of the abutting property owner's private property and shall be their responsibility to maintain; and

WHEREAS the petitioners agree to purchase from the City of Atlanta at appraised fair market value, the abandoned street right-of-way, and

WHEREAS the petitioners further agree to install the appropriate City of Atlanta driveway standard apron and sidewalk

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:

Section 1. That a portion of the right-of-way of Squire Place., a 40 foot wide right of way running approximately 500 ft feet in length between Piedmont Road and the exit ramp from Interstate 85, being 18,315 square feet in area, lying in Land Lot 49 of the 17th District of Fulton County as shown on the attached survey plat marked "Exhibit A" and on "Exhibit B" is hereby declared no longer useful or necessary for the public use and convenience.

Section 2. That the City of Atlanta hereby abandons the above described portion of Squire Place with the reservation of permanent easements to Atlanta Gas Light Company, Georgia Power Company, and the City of Atlanta, and other utilities as necessary; for the purpose of entering the property to operate, maintain, or replace gas, electric power, sewer or other utility facilities. Easements shall remain in effect until such time as said utilities may be abandoned, removed, or relocated, at which time said easements shall expire.

Section 3. That the Director of the Bureau of Purchasing and Real Estate is hereby directed to have prepared an appraisal of the fair market value of the street right-of-way to be abandoned.

Section 4. That all costs associated with the appraisal of the subject property and all costs associated with the advertising of this petition for abandonment shall be charged to and paid from Account Number 3P02-491102-M22F03349999.

Section 5. That upon approval of this ordinance, and upon acceptance of the necessary documents by the Department of Public Works, the City Attorney, upon receipt of payment from the petitioner in the amount of the appraised fair market value of the property, is hereby directed to prepare a Quit Claim Deed for said abandoned street right-of-way.

Section 6. That the Mayor is hereby authorized to execute said Quit Claim Deed for the abandoned street right-of-way, all other conditions being satisfied.

Section 7. Upon execution, all documents shall be filed and recorded with the Clerk of Superior Court of Fulton County .

Exhibit "A"

Survey Plat and Legal Description

For

Abandonment of Squire Place

WRITTEN DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 49 of the 17th District, Fulton County, Georgia and being more particularly described as follows:

Beginning at the Right of Way intersection of Piedmont Road (R/W Varies) and Squire Place (40' R/W); thence N53°10'55"E, a distance of 76.61' to a point on the northern Right of Way line of Squire Place; thence along said northern Right of Way line N89°10'10"W, a distance of 410.12' to a point; thence leaving said Right of Way S42°41'55"E, a distance of 55.16' to a point on the southern Right of Way line of Squire Place; thence along said Right of Way line N89°10'10"W, a distance of 465.90' to a point; thence S81°49'05"W, a distance of 43.40' to the Point of Beginning.

Containing 18,315 square feet as shown on a survey for Innkash Buckhead, Inc. prepared by Grant Shepherd & Associates, Inc. dated November 1, 2000.

Exhibit "B"

Showing

Location of Squire Place

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: Greg Pridgeon

Originating Department: Public Works

Contact (name): Kenneth Fortenberry, rxt 6683 *Use 2/23/01 HJ*

Commissioner's Signature: *Samuel J. Reed*

Director's Signature: *Laurie L. Clark*

Committee(s) Purview: City Utilities Committee

Committee Deadline:

Committee(s) Meeting Date: March 13, 2001

City Council Meeting Date: March 19, 2001

CAPTION: AN ORDINANCE TO ABANDON A PORTION OF THE RIGHT-OF-WAY OF SQUIRE PLACE, A 40 FOOT WIDE RIGHT OF WAY RUNNING APPROXIMATELY 500 FEET IN LENGTH BETWEEN PIEDMONT ROAD AND THE EXIT RAMP FROM INTERSTATE 85, BEING 18,315 SQUARE FEET IN AREA, LYING IN LAND LOT 49 OF THE 17TH DISTRICT OF FULTON COUNTY AND FOR OTHER PURPOSES.

BACKGROUND/PURPOSE/DISCUSSION:

The Department of Public Works has received a request abandon a portion of the right-of-way of Squire Place, a 40 foot wide right of way running approximately 500 feet in length between Piedmont Road and the exit ramp from Interstate 85, being 18,315 square feet in area, lying in land lot 49 of the 17th District of Fulton County and for other purposes.

FINANCIAL IMPACT (if any):

Mayor's Staff Only

Received by Mayor's Office: 2/26/01 (date) Reviewed by: *GP* (initials) (date)

Submitted to Council: _____ (date)

Action by Committee: Approved _____ Adverse _____ Held _____ Amended _____

Action by Committee: Substitute _____ Referred _____ Other _____